



COUNCIL MINUTES

March 2, 2009

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on March 2, 2009 at 5:45 p.m.

COUNCIL PRESENT

Mayor Scott Smith
Alex Finter
Dina Higgins
Kyle Jones
Dennis Kavanaugh
Scott Somers

COUNCIL ABSENT

Dave Richins

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

Invocation by Pastor Danny Dodson, Central Christian Church.

Pledge of Allegiance was led by Lincoln Goodman of Scout Troop 766.

Mayor's Welcome.

Mayor Smith welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

Mayor Smith noted that members of Scout Troops 288 and 655 were present in the audience.

Mayor Smith excused Councilmember Richins from the entire meeting, and he extended congratulations on behalf of the Council to Councilmember Richins and his wife on the birth of a daughter.

Welcome to Guaymas Sister City Exchange Students.

Mayor Smith introduced Pat Esparza, Chairman of the Planning and Zoning Board and a member of the Mesa Sister Cities organization.

Ms. Esparza, Chairman of the Guaymas Student Exchange Program, stated that the purpose of the Sister Cities Exchange Program is to create a bridge of international understanding. She introduced the visiting students from Mesa's Sister City, Guaymas, Sonora, Mexico, who attend the Center for Technological Studies of the Sea in Guaymas. Ms. Esparza advised that the students are in Mesa to participate in a two-week program at the East Valley Institute of Technology (EVIT). She thanked everyone who made the Exchange Program possible and in particular, EVIT Superintendent Dr. Sally Downey, the host families, and Vice Mayor Kyle Jones and his wife.

1. Take action on all consent agenda items.

All items listed with an asterisk (*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the consent agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

It was moved by Councilmember Somers, seconded by Councilmember Kavanaugh, that the consent agenda items be approved.

Vice Mayor Jones referenced item 6b, which is on the consent agenda for introduction, and advised that he would not support this item when it is considered by the Council at the next meeting.

Mayor Smith called for the vote.

Upon tabulation of votes, it showed:

AYES –	Finter-Higgins-Jones-Kavanaugh-Smith-Somers
NAYS –	None
ABSENT –	Richins

Mayor Smith declared the motion carried unanimously by those present.

*2. Approval of minutes of previous meetings as written.

Minutes of the February 17, 2009 Council meetings.

3. Take action on the following liquor license applications:

*3a. Arizona Museum for Youth Friends Inc.

This is a one day charitable event to be held on Saturday, April 25, 2009 from 6:00 p.m. to 10:00 p.m. at 35 N. Robson St. **(District 4)**

*3b. Community Asset & Resource Enterprise Partnership

This is a two day charitable event to be held on Tuesday, March 17, 2009 from 6:00 p.m. to Wednesday March 18, 1:30 a.m. at 1910 S. Gilbert Road. This is part of the St. Paddy's Day 2009 Special Event. **(District 4)**

*3c. Christ the King

This is a one day charitable event to be held on Saturday, March 21, 2009 from 4:00 p.m. to 11:00 p.m. at 1551 E. Dana Avenue. **(District 4)**

*3d. Liberty Wildlife

This is a three day charitable event to be held on Friday, March 27, 2009 from 2:00 p.m. to 11:00 p.m. and Saturday, March 28, 2009 from 10:00 a.m. to 11:00 p.m. and Sunday, March 29, 2009 from 10:00 a.m. to 6:00 p.m. at 922 S. Country Club Drive. This is part of the Chesters Backstage Biker Bash Special Event. **(District 3)**

4. Take action on the following contracts:

- *4a. Purchase of one regenerative Air Street Sweeper (addition to the Fleet) for the Transportation Department, Field Operations.

The Business Services Department recommends awarding the contract to the lowest, responsive and responsible bidder, Balar Equipment Corporation at \$215,311.23, including applicable sales tax. Funding is available from MAG Congestion Mitigation Air Quality (CMAQ) grant funds (\$189,724) and Mesa's Federal Environmental Compliance Fee (\$25,587.23).

- *4b. Purchase of two (2) replacement heavy-duty, frontloading refuse trucks for the Solid Waste Management Department (Replacement and Extension Reserve Fund).

The Business Services Department recommends authorizing purchase from the current contract with Rush Truck Center at \$548,758.07, including applicable sales tax.

- *4c. Purchase of eleven (11) replacement heavy-duty, automated side-loading refuse trucks for Solid Waste Management (Replacement and Extension Reserve Fund).

The Business Services Department recommends authorizing purchase from the current contract with Rush Truck Center at \$2,728,300.73, including applicable sales tax.

- *4d. Purchase of a one and one-half ton flatbed truck (addition to the Fleet) for the Water Resources Department.

The Business Services Department recommends authorizing purchase from the State of Arizona contract with Midway Chevrolet at \$31,163.99, including applicable sales tax.

- *4e. Purchase of a bulk water delivery system (replace existing system at the Crismon Water Hauling Station) for the Water Resources Department.

The Business Services Department recommends awarding the contract to the lowest, responsive and responsible bidder, Johlin Measurement, Ltd. at \$28,512.00, including applicable use tax.

- *4f. Purchase of a Fixed Wing Aircraft for the Police Department.

The Police Department recommends approval of the purchase of a 1981 Cessna P210N Javelin aircraft in the amount of \$295,000. (Public Safety Bond funded).

- *4g. Central Arizona Project (CAP) Water Treatment Plant, 7750 East Brown Road, miscellaneous plant improvements, City of Mesa Project No. 07-011-001. **(District 5)**

This project will install various mechanical, electrical, civil and structural improvements throughout the CAP WTP to improve redundancy, maintenance and operations.

Recommend award to the low bidder, Citywide Contracting, LLC, in the amount of \$564,200.00 plus an additional \$56,420.00 (10% allowance for change orders) for a total award of \$620,620.00. Funding is available from the approved FY 08/09 Capital Water Bond Program.

5. Take action on the following resolutions:

- *5a Approving and authorizing the City Manager to execute the Development Agreement with Dolphin Quantum to ensure completion of subdivision improvements for property located at 6735 E. Encanto – Resolution No. 9460. **(District 5)**
- *5b. Approving and authorizing the City Manager to execute an Agreement with the Pima County Sheriff's Department to secure grant funds in the amount of \$12,868.30 to purchase portable radios for the Arizona WANTED Task Force – Resolution No. 9461.
- *5c. Approving and authorizing the City Manager to execute an Airport Development Grant Agreement between the Arizona Department of Transportation Aeronautics Division and the City of Mesa for \$14,080.00 to construct the Perimeter Access Control (Phase 3) project at Falcon Field Airport – Resolution No. 9462. **(District 5) (Related to Item 5d)**
- *5d. Authorizing investment in the Local Government Investment Pool (LGIP) and authorizing the City Manager or his designated representative to deposit, transfer and withdraw monies in the LGIP for an Aviation Fund Grant – Resolution No. 9463. **(Related to Item 5c)**
- *5e. Approving and authorizing the City Manager to execute an Airport Improvement Program Grant Agreement between the Federal Aviation Administration (FAA) and the City of Mesa for \$1,086,750 to expand the aircraft run-up area apron and design of improvements to the runway safety area – Resolution No. 9464. **(District 5)**
- *5f. Authorizing the Deputy City Manager and the Controller to declare the intent on behalf of the City to reimburse eligible bond expenses – Resolution No. 9465.
- *5g. Approving and authorizing the City Manager to execute Amendment #1 to the Amended and Restated Joint Powers Airport Authority Agreement among Town of Gilbert, City of Mesa, Town of Queen Creek, Gila River Indian Community and City of Phoenix to change the name of the Airport Authority to Phoenix-Mesa Gateway Airport Authority – Resolution No. 9466.

6. Introduction of the following ordinances and setting March 2, 2009, as the date of the public hearing on these ordinances:

- *6a. **Z09-01 (District 5)** The 5500 block of East McKellips Road (south side). Located east of Higley Road on the south side of McKellips Road (4.24 ± ac.). Site Plan Modification.

This request will amend the approved site plan to allow two-story homes in an area previously approved for one-story homes.

PHO Recommendation: Approval with conditions.

- *6b. **209-02 (District 3)** 2051 South Dobson Road, Suite 7. Located south of Baseline Road on the east side of Dobson Road (1,000 sf.). Council Use Permit. This request will allow a tattoo parlor to operate at this location. Ryan Coleman, owner; Jeff Welker, applicant.

P&Z Recommendation: Denial. (Vote: 3-2 with Boardmembers Coons and Perkinson voting nay and Boardmembers Esparza and Salas absent)

7. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen who wants to provide comment should submit a blue card to the Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (*), a blue card must be given to the Clerk before Council votes on the consent agenda:

- *7a. Amending various sections of the Mesa City Code regarding the following traffic modifications – Ordinance No. 4918:

Prohibiting Left Turns from Driveways: 10-3-15 (B)

On the west side of Higley Road with centerline approximately 490 feet south of Longbow Parkway (Higley Road north of McDowell Road). **(District 5)**

One-Way Streets, Alleys, and Driveways: 10-3-16 (B)

The driveway on the north side of Main Street with centerline approximately 155 feet west of Sycamore (Main Street east of Dobson Road). **(District 3)**

The driveway for the Transit Center passenger drop-off area located approximately 165 feet north of Main Street and 190 feet west of Sycamore (north of Main Street and east of Dobson Road). **(District 3)**

Special Stops Required: 10-3-17 (A)

On Germann Road from the west City limits to the east City limits (Germann Road, south City limits, between Signal Butte Road and Meridian Road). **(District 6)**

Speed Limits (45 mph): 10-4-3

Establish a speed limit of 45 mph on Germann Road from the west City limits to the east City limits (Germann Road, south City limits, between Signal Butte Road and Meridian Road). **(District 6)**

8. Take action on the following resolution and ordinance:

- 8a. Take action on a resolution approving and authorizing the City Manager to execute a Pre-Annexation and Development Agreement between Trueno Montana, LLC, Linda Rae Ramsey and the City of Mesa for development requirements for the real property

generally located southwest of the intersection of 90th and Oak Streets – Resolution No. 9467. **(Continued from the January 26, 2009 Council meeting).**

- 8b. Take action on ordinance for A06-26 (District 5) annexing vacant land located south of Thomas Road and east of Hawes Road (11.07± ac.). Initiated by Reese Anderson, Pew & Lake, PLC, representing the property owner – Ordinance No. 4919. Staff Recommendation: Approval. **(Continued from the December 8, 2008, January 12, 2009, and January 26, 2009 Council meetings).**

9. Items from citizens present:

Jim Gardner, Jr., 2502 North Lazona Drive, addressed the Council and stated the opinion that a contract he held with the City was cancelled as an act of retribution for his efforts to alert management regarding possible fraudulent activities engaged in by certain City employees. He also stated the opinion that the City has improperly entered into contracts, and he advised that the Registrar of Contractors will conduct a hearing based on a complaint he filed on behalf of the citizens of Mesa regarding his assertion that the City entered into a contract with an improperly licensed painting contractor.

Mayor Smith commented that Mr. Gardner has spoken with him and other members of the Council regarding these issues and that the matter has been referred to the City Auditor for investigation.

Jim Gardner, Sr., 3042 East Encanto, stated that he was a member of the Freeholders, the group of individuals that created the Mesa City Charter. He encouraged the Council to be more diligent in following the Charter.

10. Adjournment.

Without objection, the meeting adjourned at 6:04 p.m.

SCOTT SMITH, MAYOR

ATTEST:

LINDA CROCKER, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 2nd day of March 2009. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

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